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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 JOHN FLOWERS,
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11 Petitioner,

12 vs.

13 WARDEN, *et al.*,

14 Respondents.
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Case No. 3:10-cv-00367-RCJ-VPC

ORDER

16 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254
17 by a Nevada state prisoner. After an evidentiary hearing, on May 16, 2012, the court dismissed this
18 petition with prejudice as untimely (#50), and judgment was entered (#51).¹ Petitioner, through counsel,
19 filed a notice of appeal (#52), and his appeal is pending before the Ninth Circuit Court of Appeals.
20 Now before the court is petitioner's *pro se* motion, dated September 23, 2014, that he styled as an
21 emergency motion to have the District Court review exculpatory evidence (#61). Respondents opposed
22 (#63), and petitioner replied, again in *pro se* (#s 66 and 67).²

23 The Local Rules provide that 1) a party who has appeared through counsel cannot while so
24 represented appear or act in the case, and 2) counsel who has appeared for a party shall be recognized
25 by the court and all the parties as having control of the client's case. L.R. IA 106-(a). On July 26, 2010,
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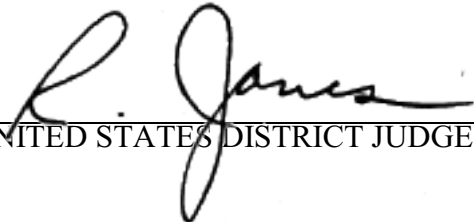
27 ¹ Refers to the court's docket number.

28 ²Docket #67 is a duplicate of #66.

1 the Federal Public Defender filed a notice of representation (#14). Neither petitioner nor his counsel
2 has filed a motion to terminate representation or to withdraw as counsel. Accordingly, petitioner's *pro*
3 *se* emergency motion is a fugitive document and shall be stricken. Petitioner is advised that he shall
4 communicate with the court through his counsel. Finally, the court observes that many of the
5 allegations that petitioner urges the court to consider--"by way of ultrasound"--such as that correctional
6 officers used the Patriot Act against him by drugging him with "ruffies" in order that he would inform
7 on others concerning organized crime and that he has been subjected to Long Range Acoustic Devices
8 that mimic auditory hallucinations, are delusional and factually frivolous (#61, pp. 1, 5, 15).

9 **IT IS THEREFORE ORDERED** that petitioner's *pro se* emergency motion to have District
10 Court review exculpatory evidence (#61) is **STRICKEN**.

11 Dated this 21st day of October, 2014.

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14 UNITED STATES DISTRICT JUDGE
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